

**SAMPLE LITIGATION-REPORT INVESTIGATION APPOINTING ORDER**

Ser Info  
Date

From: Commanding Officer, Naval Submarine Base New London  
To: Lieutenant \_\_\_\_\_, USN  
Subj: LITIGATION-REPORT INVESTIGATION OF THE FIRE THAT OCCURRED  
AT QUARTERS XYZ, NAVSUBBASE NLON, ON \_\_\_\_ AUGUST 19\_\_  
Ref: (a) JAG Manual

1. Per reference (a), you are hereby appointed to investigate the circumstances surrounding the fire that occurred at Quarters XYZ, Naval Submarine Base New London on \_\_August 19\_\_, and to prepare the related litigation-report. During the investigation, you will be under the direction and supervision of LCDR \_\_\_\_\_, JAGC, USN. Consult LCDR \_\_\_\_\_ before beginning your inquiry or collecting any evidence. If you have not already done so, you should also read chapter II of reference (a) in its entirety before consulting LCDR \_\_\_\_\_.

2. This investigation is being convened and your report is being prepared in contemplation of litigation and for the express purpose of assisting attorneys representing interests of the United States in this matter. As such it is privileged and should be discussed only with personnel who have an official need to know of its progress or results. If you have any doubt about the propriety of discussing the investigation with any particular individual, then you should seek guidance from LCDR \_\_\_\_\_ before doing so.

3. Investigate all facts and circumstances surrounding the fire, including the cause of the fire, resulting injuries and damages, and any fault, neglect, or responsibility therefor. Report your findings to LCDR \_\_\_\_\_ by \_\_ September 19\_\_, unless an extension of time is granted. Do not express any opinions or recommendations unless LCDR \_\_\_\_\_ directs you to do so. Label your report "**FOR OFFICIAL USE ONLY: ATTORNEY WORKPRODUCT**," and take appropriate measures to safeguard it.

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Copy to:  
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**SAMPLE LITIGATION-REPORT INVESTIGATION**

**FOR OFFICIAL USE ONLY: ATTORNEY WORKPRODUCT**

Ser data  
Date

From: LCDR \_\_\_\_\_, JAGC, USN  
LT \_\_\_\_\_, USN

To: Commanding Officer, Naval Submarine Base New London

Subj: SAME AS SUBJECT ON CONVENING ORDER

Encl: (1) Appointing order and modifications thereto (if any were issued)  
(2) Summary of statement of witness (Do not include signed statements)  
(3) Summary of statement of witness  
(4) Description of \_\_\_\_\_ (evidence found at  
scene of \_\_\_\_\_ the fire)  
(5) Photograph of \_\_\_\_\_ depicting \_\_\_\_\_

NOTE: Summarized statement of each witness, observations of the investigator, photographs, diagrams, and suitable reproductions of tangible evidence should be listed and attached as enclosures to the investigative report. The location of all original evidence, such as logs, charts, tangible items, and so forth, and the name and phone number of the official responsible for its safekeeping must be stated in the report, either on each enclosure or in the preliminary statement.

Preliminary Statement

1. Paragraph 1 of a litigation report must contain information in the form a "preliminary statement." Contents may require continuation in one or more additional paragraphs. The name and organization of the supervisory judge advocate should be listed and the following language should be added: "This investigation is being conducted and this report is being prepared in contemplation of litigation and for the express purpose of assisting attorneys representing interests of the United States in this matter."

Findings of Fact

1. \_\_\_\_\_ [encl ( )]
2. \_\_\_\_\_ [encls ( ), ( )]
3. \_\_\_\_\_ [encl ( )]

Note: Findings of fact constitute an investigating officer's description of details of events based on evidence. Findings must be as specific as possible about time, places, and persons involved. Each fact may be made a separate finding. An investigating officer may determine the most effective presentation for a particular case. Each fact must be supported by the statement of a witness, statement of the investigating officer, documentary evidence, or tangible (real) evidence attached to the investigative report as an enclosure. Each finding of fact should reference each enclosure that supports it.

Opinions and Recommendations are not made by the investigating officer unless directed by the supervisory judge advocate. Before the report is submitted to the convening authority, however, the supervisory judge advocate should normally add appropriate opinions and recommendations and may request the assistance of the investigating officer in drafting them. Each opinion must be supported by findings of fact, and each recommendation must be supported by an opinion.

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(SIGNATURE OF INVESTIGATING OFFICER)

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(SIGNATURE OF SUPERVISORY JUDGE  
ADVOCATE)